

REMARKS

Claims 1-11 remain pending in this application. Claims 1-11 are rejected. Claims 5, 6 and 8 are objected to. Claims 1, 4-6 and 8 are amended herein to clarify the invention, to express the invention in alternative wording, to broaden language as deemed appropriate and to address matters of form unrelated to substantive patentability issues.

Applicants herein traverse and respectfully request reconsideration of the rejection of the claims and objection cited in the above-referenced Office Action.

The claims are objected to due to various informalities including typographic and formal errors, grammatical errors, and awkward wordings. The claims are amended to address the informalities. Accordingly withdrawal of the objections is respectfully requested.

Claims 5-9 are rejected as indefinite under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter of the invention as a result of informalities stated in the Office Action. The claims are amended to remove or correct the informalities noted in the Office Action. Therefore, reconsideration of the rejection of claims 5-9 and their allowance are earnestly requested.

Claims 1, 4 and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Toaka et al. (WO02/066285). Applicants herein respectfully traverse these rejections. “Anticipation requires the presence in a single prior art reference

disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). It is respectfully submitted that the cited reference is deficient with regard to the following.

Independent claim 1 recites in pertinent part the following:

an inertial force application mechanism,
including an inertial mass part disposed forward of the
catching part, that is activated by an inertial force
acting directly on said catching part and said inertial
mass part at a time of rapid deceleration operable to
move the catching part upward

In accordance with the claim, as amended, an inertial force application mechanism is activated by an inertial force acting directly on a catching part and an inertial mass part at a time of rapid deceleration operable to move a catching part upward. In stark contrast, the device disclosed in Taoka et al. The structure alleged to be equivalent to the claimed catching part does not include structural portions acted upon directly by inertial forces. Rather, the auxiliary plate 31, which is being equated by the Examiner with the inertial force application mechanism is "activated by an inertial force at a time of rapid deceleration operable to move the catching part

"upward," when the inertial force created in an abrupt stop causes the body of the driver to move downward, as shown by the arrows in Fig. 12, in turn pivoting the catching part upward.

In view of the above, it is respectfully submitted that claims 1, 4 and 10 particularly describe and distinctly claim elements not disclosed in the cited reference. Therefore, reconsideration of the rejections of claims 1, 4 and 10 and their allowance are respectfully requested.

Claims 1, 4 and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Masuda et al. (JP 2000-0011136). Applicants herein respectfully traverse these rejections. It is respectfully submitted that the cited reference is deficient with regard to the following.

Like the Taoka et al. reference discussed above, Masuda et al. is silent regarding a catching member and an inertial mass part which are acted upon directly by inertial forces at a time of rapid deceleration operable to move the catching part upward. Rather, it is the Examiner's position that the power generator 10 is activated to move the piston 9 when a collision sensor sends a signal which causes a gas generator to produce gas. Thus no direct application of inertia to bring about movement of the catching part is disclosed.

In view of the above, it is respectfully submitted that claims 1, 4 and 10 particularly describe and distinctly claim elements not disclosed in the cited

reference. Therefore, reconsideration of the rejections of claims 1, 4 and 10 and their allowance are respectfully requested.

Claims 1, 4 and 10 are rejected under 35 U.S.C. § 102(a) as being anticipated by Ushijima (JP 2004-009997). Applicants herein respectfully traverse these rejections. It is respectfully submitted that the cited reference is deficient with regard to the following.

Applicants have translated paragraph [0008] of Ushijima, which appears to constitute the only disclosure relating to Figs. 3a-b referenced by the Examiner in sole support of the claim rejections, and can find no teaching which would suggest that inertia acts upon the receiving member 7, or parts thereof, during an impact, to move the member up. The English translation is attached hereto for the Examiner's edification.

In view of the above, it is respectfully submitted that claims 1, 4 and 10 particularly describe and distinctly claim elements not disclosed in the cited reference. Therefore, reconsideration of the rejections of claims 1, 4 and 10 and their allowance are respectfully requested.

Claims 2 and 3 are rejected as obvious over Taoka et al . in view of Takada (US 4,225,178) under 35 U.S.C. §103(a). The applicants herein respectfully traverse this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

Applicants respectfully submit that Takada fails to provide what is lacking in Taoka et al. as described above, i.e., an inertial force application mechanism which is activated by an inertial force acting directly on a catching member and an inertial mass part at a time of rapid deceleration operable to move a catching part upward. As such, a *prima facie* case cannot be made in the rejection of claims 2 and 3, as the combined references fail to teach or suggest all claimed elements.

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of claims 2 and 3 and their allowance are respectfully requested.

Claim 5 is rejected as obvious over Masuda et al. in view of Takada under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection.

Neither reference teaches the claimed feature wherein an inertial force application means is activated by an inertial force acting directly on a catching part and an inertial mass part.

Furthermore, while the ratchet structure of Fig. 5 of Masuda et al. is averred by the Examiner as constituting a locking member (biased racket part 21) kept in biased contact with a support (via other ratchet part 20), applicants respectfully submit that the reference fails to meet the claimed requirement of "an engagement portion formed to the support member to be engaged with the locking member when the catching part moves more than a predetermined distance when said catching part is moved upward upon activation of said inertial force application means."

Thus, it is respectfully submitted that the rejected claim is not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of claim 5 and its allowance are respectfully requested.

Claim 6 is rejected as obvious over Masuda et al. in view of Takada, and further in view of Ushijima under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection.

It is respectfully submitted that the proffered combination of references cannot render the rejected claims obvious because the Ushijima reference does not provide the teaching noted above with respect to obviousness rejection of parent claim 5 that is absent from the Masuda et al. and Takada references. Thus, the combination of prior art references fails to teach or suggest all the claim limitations. Therefore, reconsideration of the rejections of claim 6 and its allowance are respectfully requested.

Claims 7-9 are rejected as obvious under 35 U.S.C. §103(a) based upon various combinations of Masuda, Takada and Ushijima, which references have already been discussed above. Each is respectfully submitted as lacking teaching or suggestion related to an inertial force application mechanism which is activated by an inertial force acting directly on a catching member and an inertial mass part at a time of rapid deceleration operable to move a catching part upward, as claimed. Thus, the combination of prior art references fails to teach or suggest all the claim limitations as properly required for establishing a *prima facie* case of obviousness.

Therefore, reconsideration of the rejections of claims 7-9 and their allowance are respectfully requested.

Claim 11 is rejected as obvious over Masuda et al. in view of Choi (US 6,557,935) under 35 U.S.C. §103(a). The applicants herein respectfully traverse this rejection.

Applicants respectfully submit that the Choi reference fails to provide what is missing in Masuda et al., as discussed relative to parent claim 1. Thus, a *prima facie* case of obviousness cannot be established. Therefore, reconsideration of the rejection of claim 11 and its allowance are respectfully requested.

No fee is believed due. If there is any fee due the USPTO is hereby authorized to charge such fee to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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enc: Translated excerpt from the Ushijima reference



Translation of excerpt from Ushijima (JP 2004-009997)

[0008]

A receiving member 7 of this anti-submarining device 6 is disposed crosswise at the front of the interior of this seat cushion, the two ends thereof being supported by support[s] 8, which have a locking function; and a space 9 for vertical movement of the receiving member 7 is formed in the cushion pad 5. The support[s] 8 that have the locking function are configured so as to comprise: support arm[s] 11, which are vertically swingably supported by a holding frame 10, while being biased to swing upwards, and which are fastened to the two ends of the receiving member 7; and locking member[s] 12, which are supported by the holding frame 10 so as to be slidable in the forward direction, and so as to be moved forward by inertial force during rapid deceleration and thus engage with the arm 11; normally, when loaded with a weight from above, as indicated by the arrows and the imaginary line in FIG. 3(b), the support arm 11 swings so that the receiving member 7 is lowered; during rapid deceleration, the support arm 11 is locked by the locking member 12, so that lowering of the receiving member 7 is prevented.